

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**STATE OF CONNECTICUT, et al.,**

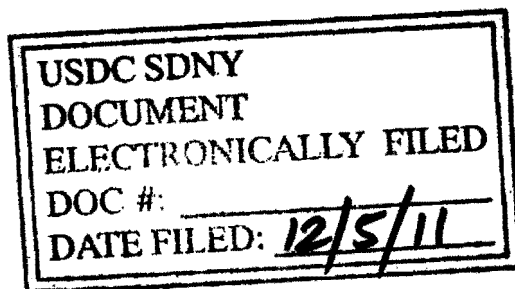
**Plaintiffs,**

**- against -**

**AMERICAN ELECTRIC POWER CO.,  
INC., et al.,**

**Defendants.**

**Case No. 04-CV-05669  
(LAP) (DFE)**



**OPEN SPACE INSTITUTE, INC., et al.,**

**Plaintiffs,**

**- against -**

**AMERICAN ELECTRIC POWER CO.,  
INC., et al.,**

**Defendants.**

**Case No. 04-CV-05670  
(LAP) (DFE)**

**ORDER**

In light of the United States Supreme Court's opinion in *American Electric Power Co. Inc. v. Connecticut*, 131 S. Ct. 2527 (2011) ("AEP"), the Court hereby orders as follows:

1. the prior judgments of dismissal entered in the above-captioned actions on September 19, 2005, are vacated;

2. plaintiffs' federal common law public nuisance claims are dismissed for the reasons set forth in the opinion of the United States Supreme Court in *AEP*; and

3. all parties shall bear their own costs in the proceedings before this Court and the United States Court of Appeals for the Second Circuit.

SO ORDERED.

December 2, 2011

Loretta A. Preska

Hon. Loretta A. Preska  
United States District Judge